PREFACE

This supplement contains amendments to the environmental regulations adopted during the 2nd quarter of 2011 (April - June).

The amendments in this publication include the following:

Media	Rule Log #		Final Date
Part III. Air	AQ310		April 20, 2011
	AQ314ft		April 20, 2011
	AQ314ft	repromulgated	May 20, 2011
	AQ315		April 20, 2011
	AQ317		May 20, 2011
	AQ318		June 20, 2011
	AQ320		April 20, 2011
Part VII. Solid Waste	SW054		June 20, 2011

Log # Suffix Key:

ft – Fast-Track Rule - Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)
F – Federal Language
L – Louisiana Language
S – Substantive Changes to Proposed Rule
P – Rule resulting from a Petition for Rulemaking

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NOTES:

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Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

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Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 1. General Provisions

§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

* * *

Criteria Pollutant—any compound for which an ambient air quality standard has been listed in LAC 33:III.Chapter 7; however, *volatile organic compounds*, as defined in this Section, shall be included as a surrogate for ozone.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:808 (May 2006), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:70 (January 2008), LR 35:1101 (June 2009), LR 36:1773 (August 2010), LR 37:1145 (April 2011).

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§211. Methodology

A. - B.13.d.iii. …

e. Small Source Permit. The small source permit, as defined by LAC 33:III.503.B.2, applies when a permitted source is not a *Part 70 source* as defined in LAC 33:III.502. The permitted source must also emit or have the potential to emit less than 25 tons/year of any criteria pollutant, and less than 10 tons per year of any toxic air pollutant. For permit applications with processes specifically listed in the fee schedule that would also qualify for the small source permit fee, the permit fee shall be the lesser of these listed fees

14. - 15.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2082 (October 2007), LR 33:2620 (December 2007), LR 37:1145 (April 2011).

§223. Fee Schedule Listing

Table 1. - Explanatory Notes for Fee Schedule.

Note 1. - Note 14a. …

Note 15. Applications must be accompanied by a certificate of eligibility authorized by the department's Small Business Technical Assistance Program. Final determination of a facility's eligibility is to be made by the administrative authority or his designee and may be based on (but not limited to) the following factors: risk assessment, proposed action, location, etc. For the purpose of this Chapter a small business is a facility which: has 50 employees or fewer; is independently owned; is a small business concern as defined pursuant to the Small Business Act; emits less than 5 tons/year of any single hazardous air pollutant and less than 15 tons/year of any combination of hazardous air pollutants; emits less than 25 tons/year of any criteria pollutant; has an annual gross revenue that does not exceed $5,000,000; is not a major stationary source; and does not incinerate, recycle, or recover any off-site hazardous, toxic, industrial, medical, or municipal waste.

Note 16. - Note 20. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 2341, and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496, 1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:2042 (October 2003), LR 30:1475 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), LR 34:2560 (December 2008), LR 37:1145 (April 2011).

Chapter 5. Permit Procedures

§501. Scope and Applicability

A. - B.1.b. …

c. mobile sources such as automobiles, trucks, and aircraft;

d. any *upset*, as defined in LAC 33:III.507.J.1; however, the permitting authority shall be advised of such occurrences without delay, in accordance with all applicable upset or emergency provisions of Louisiana Air Quality regulations and of LAC 33:I.Chapter 39; or

e. a *nonroad engine*, as defined in LAC 33:III.502.A.

A.2. – B.2.d.i. ...

(a). five tons per year for each criteria pollutant as defined by the Clean Air Act,

2.d.i.(b). - 4.a. …

i. the source emits and has the potential to emit no more than 5 tons per year of any criteria pollutant;

4.a.ii. - 5. …

Table 1.Insignificant Activities List
A. Based on Size or Emission Rate Permit applications submitted under Subsection A of this Section for sources that include any of the following emissions units, operations, or activities must either list them as insignificant activities or provide the information for emissions units as specified under LAC 33:III.517:
1. external combustion equipment with a design rate greater than or equal to 1 million Btu per hour, but less than or equal to 10 million Btu per hour, provided that the aggregate criteria pollutant emissions from all such units listed as insignificant do not exceed 5 tons per year;
2. storage tanks less than 250 gallons storing organic liquids having a true vapor pressure less than or equal to 3.5 psia, provided that the aggregate emissions from all such organic liquid storage tanks listed as insignificant do not exceed 5 tons per year of criteria or toxic air pollutants, do not exceed any Minimum Emission Rate listed in LAC 33:III.5112, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established pursuant to Section 112(g) of the federal Clean Air Act;
3. storage tanks less than 10,000 gallons storing organic liquids having a true vapor pressure less than 0.5 psia, provided that the aggregate emissions from all such organic liquid storage tanks listed as insignificant do not exceed 5 tons per year of criteria or toxic air pollutants, do not exceed any Minimum Emission Rate listed in LAC 33:III.5112, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established pursuant to Section 112(g) of the federal Clean Air Act;
4. - 5. …
6. emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes, provided that the aggregate emissions from all such equipment vents considered insignificant do not exceed 5 tons per year of criteria or toxic air pollutants, do not exceed any minimum emission rate listed in LAC 33:III.5112, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with Section 112(g) of the federal Clean Air Act;
7. …
8. portable fuel tanks used on a temporary basis in maintenance and construction activities, provided that the aggregate criteria or toxic air pollutant emissions from all such tanks listed as insignificant do not exceed 5 tons per year;
9. emissions from process stream or process vent analyzers, provided that the aggregate emissions from all such analyzers listed as insignificant do not exceed 5 tons per year of criteria or toxic air pollutants, do not exceed any minimum emission rate listed in LAC 33:III.5112, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with Section 112(g) of the federal Clean Air Act;
10. storage tanks containing, exclusively, soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, molasses, corn syrup, aqueous salt solutions, or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials, the tanks are not subject to 40 CFR 60, Subpart Kb or other federal regulation, and the aggregate emissions from all such tanks listed as insignificant do not exceed 5 tons per year of criteria or toxic air pollutants, do not exceed any minimum emission rate listed in LAC 33:III.5112, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with Section 112(g) of the federal Clean Air Act;
11. catalyst charging operations, provided that the aggregate emissions from all such operations listed as insignificant do not exceed 5 tons per year of criteria or toxic air pollutants, do not exceed any minimum emission rate listed in LAC 33:III.5112, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with Section 112(g) of the federal Clean Air Act; and
12. portable cooling towers used on a temporary basis in maintenance activities, provided the aggregate emissions from all such cooling towers listed as insignificant do not exceed 5 tons per year of criteria or toxic air pollutants, do not exceed any minimum emission rate listed in LAC 33:III.5112, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with Section 112(g) of the federal Clean Air Act.
B. - B.3. …
4. vehicle refueling emissions from cars, trucks, forklifts, courier vehicles, front-loaders, graders, cranes, carts, maintenance trucks, locomotives, helicopters, marine vessels, and other self-propelled on-road and nonroad mobile sources. . This exemption does not cover loading racks or fueling operations covered by LAC 33:III.Chapter 21;
B.5. - B.46. …
C. Based on Type of Pollutant Emissions of the following pollutants need not be included in a permit application:
C.1. - C.2. …
3. nitrogen; and
4. hydrogen.
D. Exemptions Based on Emissions Levels The owner or operator of any source may apply for an exemption from the permitting requirements of this Chapter for any emissions unit provided each of the following criteria are met. Activities or emissions units exempt as insignificant based on these criteria shall be included in the permit at the next renewal or permit modification, as appropriate. a. The emissions unit emits and has the potential to emit no more than 5 tons per year of any criteria or toxic air pollutant. b. The emissions unit emits and has the potential to emit less than the minimum emission rate listed in LAC 33:III.5112, Table 51.1, for each Louisiana toxic air pollutant. c. The emissions unit emits and has the potential to emit less than the de minimis rate established pursuant to Section 112(g) of the federal Clean Air Act for each hazardous air pollutant. d. No new federally enforceable limitations or permit conditions are necessary to ensure compliance with any applicable requirement.
[1] State or federal regulations may apply.

B.6. - C.13. …

14. If there is a change in federal law or the United States Court of Appeals for the District of Columbia Circuit or the United States Supreme Court issues an order which limits or renders ineffective the regulation of greenhouse gases from stationary sources under Part C of Title I (Prevention of Significant Deterioration of Air Quality) or Title V (Permits) of the Clean Air Act, the regulation of greenhouse gases under the corresponding programs in this Chapter shall be limited or rendered ineffective to the same extent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:1063 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 32:1842 (October 2006), LR 33:2082 (October 2007), LR 33:2626 (December 2007), LR 35:461 (March 2009), LR 35:2351 (November 2009), LR 37:1145, 1148 (April 2011), LR 37:1391 (May 2011).

§502. Definitions

A. Except where specifically provided in another Section herein, the following definitions apply to terms used in this Chapter. Except as provided in this Chapter, terms used in this Chapter retain the definition provided them in LAC 33:III.111 or the Louisiana Air Quality regulations. Wherever provisions related to the Acid Rain Program are concerned, the definitions provided in 40 CFR Part 72 shall apply.

* * *

CO_2 Equivalent Emissions (CO_2e)—the emitted amount of *greenhouse gases (GHGs)* computed by multiplying the mass amount of emissions for each of the six *GHGs* by its associated global warming potential, published in Table A-1 to Subpart A of 40 CFR Part 98—Global Warming Potentials, and summing the resultant value for each. (See *greenhouse gases (GHGs*).)

* * *

Greenhouse Gases (GHGs)—an air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Major Source—for the purposes of determining the applicability of 40 CFR Part 70 or of LAC 33:III.507, any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control), and that are described in Subparagraph a, b, c, or d of this definition:

a. - a.ii. …

b. any stationary source that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant (except for GHGs) excluding any air pollutant regulated solely under Section 112(r) of the Clean Air Act. Fugitive emissions of a stationary source shall be considered in determining whether it is a major source under this Subparagraph:

i. - ii. …

c. any major stationary source as defined in Part D (Nonattainment) of Title I of the Clean Air Act, including any source defined as a major stationary source under LAC 33:III.504.K;

d. as of July 1, 2011, any stationary source that directly emits or has the potential to emit 100 tpy or more of *GHGs* on a mass basis (i.e., no global warming potentials applied) and 100,000 tpy or more of *CO_2e*.

Nonroad Engine—

a. Except as discussed in Subparagraph b of this definition, a nonroad engine is any internal combustion engine:

i. used in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes, and bulldozers);

ii. used in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

iii. that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

b. An internal combustion engine is not a nonroad engine if:

i. the engine is used to propel a motor vehicle, an aircraft, or equipment used solely for competition;

ii. the engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act (42 U.S.C. 7411); or

iii. the engine otherwise included in Clause a.iii of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during

the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location for approximately three months (or more) each year.

[Note: Clause b.iii of this definition does not apply to an engine after it is removed from the location.]

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:1950 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 36:2553 (November 2010), LR 37:1145, 1148 (April 2011), LR 37:1391 (May 2011).

§503. Minor Source Permit Requirements

A. - B.1. …

2. Small Source Permit. The owner or operator of a stationary source which is not a *Part 70 source* as defined in LAC 33:III.502 may apply for a small source permit provided the source emits and has the potential to emit less than 25 tons per year of any criteria pollutant and 10 tons per year of any toxic air pollutant.

3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 37:1146 (April 2011).

§504. Nonattainment New Source Review (NNSR) Procedures

A. - E.5. …

F. Emission Offsets. All emission offsets approved by the department shall be surplus, permanent, quantifiable, and enforceable in accordance with LAC 33.III.Chapter 6 and shall meet the following criteria.

1. Except as specified in Subsection M of this Section, offsets shall be required at the ratio specified in Subsection L, Table 1 of this Section. All emission reductions claimed as offset credit shall be from decreases of the same regulated pollutant or pollutant class (e.g., VOC) for which the offset is required, except that direct $PM_{2.5}$ emissions or emissions of $PM_{2.5}$ precursors may be offset by reductions in direct $PM_{2.5}$ emissions or emissions of any $PM_{2.5}$ precursor, if such offsets comply with the interprecursor trading hierarchy and ratio established in the approved SIP for a particular nonattainment area.

F.2. - J.4.b. …

5. Public Participation Requirement for PALs. Procedures to establish, renew, or increase PALs for existing major stationary sources shall be consistent with 40 CFR 51.160 and 51.161. These include the requirement that the administrative authority provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comments. The administrative authority shall address all material comments before taking final action on the permit.

6. - 15.b. …

K. Definitions. The terms in this Section are used as defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

* * *

Malfunctions—Repealed.

* * *

Regulated Pollutant—

a. any pollutant for which a national ambient air quality standard has been promulgated or any constituent or precursor for the identified pollutant, provided that such constituent or precursor pollutant is only regulated under NNSR as part of regulation of the primary pollutant. Precursors identified by the administrative authority for purposes of NNSR include the following:

i. volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas;

ii. sulfur dioxide is a precursor to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas;

iii. nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas, unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations; and

iv. volatile organic compounds and ammonia are presumed not to be precursors to $PM_{2.5}$ in any $PM_{2.5}$ nonattainment area, unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds or ammonia from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

b. $PM_{2.5}$ emissions and PM_{10} emissions shall include the gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for $PM_{2.5}$ and PM_{10} in NNSR permits. Compliance with emissions limitations for $PM_{2.5}$ and PM_{10} issued prior to this date shall not be based on condensable particulate matter. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this Section.

* * *

Significant—in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed the lower of any of the following rates or the applicable major modification significant net increase threshold in Subsection L, Table 1 of this Section.

Pollutant	Emission Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Ozone	40 tpy of volatile organic compounds or nitrogen oxides
Lead	0.6 tpy
PM_{10}	15 tpy
$PM_{2.5}$	10 tpy of direct $PM_{2.5}$ emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide[1]
[1]Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.	

* * *

L. Table 1—Major Stationary Source/Major Modification Emission Thresholds

Table 1
Major Stationary Source/Major Modification Emission Thresholds

Pollutant	Major Stationary Source Threshold Values (tons/year)	Major Modification Significant Net Increase (tons/year)	Offset Ratio Minimum
Ozone VOC/NO_x		Trigger Values	
Marginal	100	40(40)[2]	1.10 to 1
Moderate	100	40(40)[2]	1.15 to 1
Serious	50	25[3](5)[4]	1.20 to 1 w/LAER or 1.40 to 1 internal w/o LAER
Severe	25	25[3](5)[4]	1.30 to 1 w/LAER or 1.50 to 1 internal w/o LAER
Extreme	10	Any increase	1.50 to 1
CO			
Moderate	100	100	>1.00 to 1
Serious	50	50	>1.00 to 1
SO_2	100	40	>1.00 to 1
PM_{10}[1]			
Moderate	100	15	>1.00 to 1
Serious	70	15	>1.00 to 1
$PM_{2.5}$[5]	100	10	>1.00 to 1
Lead	100	0.6	>1.00 to 1

Footnotes 1. - 4. …

[5] Sulfur dioxide is a precursor to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas. Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations. Volatile organic compounds and ammonia are presumed not to be precursors to $PM_{2.5}$ in any $PM_{2.5}$ nonattainment area unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds or ammonia from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

VOC	=	volatile organic compounds
NO_X	=	oxides of nitrogen
CO	=	carbon monoxide
SO_2	=	sulfur dioxide
PM_{10}	=	particulate matter of less than 10 microns in diameter
$PM_{2.5}$	=	particulate matter of less than 2.5 microns in diameter

M. - M.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 31:3123, 3155 (December 2005), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:1890 (September 2008), LR 37:1568 (June 2011).

§509. Prevention of Significant Deterioration

A. - A.5. …

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

* * *

CO_2 Equivalent Emissions (CO_2e)—the emitted amount of greenhouse gases (GHGs) computed by multiplying the mass amount of emissions for each of the six greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in Table A-1 to Subpart A of 40 CFR, Part 98—Global Warming Potentials, and summing the resultant value for each.

* * *

Greenhouse Gases (GHGs)—an air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

* * *

Major Stationary Source—

a. any of the stationary sources of air pollutants listed in Table A of this definition that emits, or has the potential to emit, 100 tons per year or more of any pollutant (except for GHGs) subject to regulation under this Section;

b. for stationary source categories other than those listed in Table A of this definition, any stationary source that emits, or has the potential to emit, 250 tons per year or more of any air pollutant (except for GHGs) subject to regulation under this Section;

c. as of July 1, 2011, any stationary source listed in Table A of this definition which emits, or has the potential to emit, 100 tpy or more of *GHGs* on a mass basis (i.e., no global warming potentials applied) and 100,000 tons per year or more of CO_2e; or any stationary source not listed in Table A that emits, or has the potential to emit, 250 tpy or more of *GHGs* on a mass basis and 100,000 tons per year or more of CO_2e; or

d. any physical change that would occur at a source not otherwise qualifying as a major stationary source under Subparagraphs a, b, or c of this definition if the change would constitute a major source by itself;

e. a major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

f. the fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Section whether it is a *major stationary source*, unless the source is listed in Table A of this definition or, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

Table A – Stationary Sources of Air Pollutants	
1	Fossil fuel-fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input
2	Coal cleaning plants (with thermal dryers)
3	Kraft pulp mills
4	Portland cement plants
5	Primary zinc smelters
6	Iron and steel mill plants
7	Primary aluminum ore reduction plants
8	Primary copper smelters
9	Municipal incinerators capable of charging more than 250 tons of refuse per day
10	Hydrofluoric, sulfuric, and nitric acid plants
11	Petroleum refineries
12	Lime plants
13	Phosphate rock processing plants
14	Coke oven batteries
15	Sulfur recovery plants
16	Carbon black plants (furnace process)
17	Primary lead smelters
18	Fuel conversion plants
19	Sintering plants
20	Secondary metal production plants
21	Chemical process plants
22	Fossil fuel boilers (or combinations thereof) totaling more than 250 million Btu per hour heat input.
23	Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
24	Taconite ore processing plants
25	Glass fiber processing plants
26	Charcoal production plants

* * *

Malfunctions— Repealed.

* * *

Regulated New Source Review (NSR) Pollutant—

a. any pollutant for which a national ambient air quality standard has been promulgated or any constituent or precursor for the identified pollutant . Precursors identified by the administrative authority for purposes of PSD include the following:

i. volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas;

ii. sulfur dioxide is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas;

iii. nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all attainment and unclassifiable areas unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations; and

iv. volatile organic compounds are presumed not to be precursors to $PM_{2.5}$ in any attainment or unclassifiable area unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations;

b. any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;

c. any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act;

d. any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all hazardous air pollutants either listed in Section 112 of the Clean Air Act or added to the list in accordance with Section 112(b)(2) of the Clean Air Act, which have not been delisted in accordance with Section 112(b)(3) of the Clean Air Act, are not *regulated NSR pollutants* unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Clean Air Act;

e. particulate matter (PM) emissions, $PM_{2.5}$ emissions, and PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, $PM_{2.5}$, and PM_{10} in PSD permits. Compliance with emissions limitations for PM, $PM_{2.5}$, and PM_{10} issued prior to this date shall not be based on condensable particulate matter. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this Section.

Significant—

a. in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emission Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy of particulate emissions
	15 tpy of PM_{10} emissions
Ozone	40 tpy of volatile organic compounds or nitrogen oxides
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H_2S)	10 tpy
Total reduced sulfur (including H_2S)	10 tpy
Reduced sulfur compounds (including H_2S)	10 tpy
Municipal waste combustor organics[1]	0.0000035 tpy
Municipal waste combustor metals[2]	15 tpy
Municipal waste combustor acid gases[3]	40 tpy
Municipal solid waste landfills emissions[4]	50 tpy
GHGs and *GHGs* as CO_2e	0 tpy and 75,000 tpy, respectively[5]

[1]Measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.
[2]Measured as particulate matter.
[3]Measured as sulfur dioxide and hydrogen chloride.
[4]Measured as nonmethane organic compounds.
[5] Both of the following conditions must be met: (1) the net emissions increase of *GHGs* calculated as the sum of the six GHGs on a mass basis (i.e., no global warming potentials applied) equals or exceeds 0 tpy; and (2) the net emissions increase of *GHGs* calculated as the sum of the six GHGs on a CO_2e basis (i.e., global warming potentials applied) equals or exceeds 75,000 tpy CO_2e.

b. …

c. notwithstanding Subparagraph a of this definition, any emissions rate or any net emissions increase associated with a major stationary source or major modification that would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1μg/m^3 (24-hour average);

d. notwithstanding Subparagraph a of this definition, between January 2, 2011, and June 30, 2011, the pollutant *GHGs* is "subject to regulation" only if the stationary source is:

i. a new major stationary source for a regulated NSR pollutant that is not *GHGs* and also will emit or have the potential to emit *GHGs* in a significant amount; or

ii. an existing major stationary source for a regulated NSR pollutant that is not *GHGs* and also will have a significant net emissions increase of both GHGs and another regulated NSR pollutant.

* * *

C. - AA.15.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:1600 (September 2006), LR 32:1843 (October 2006), LR 36:2556 (November 2010), LR 37:1148 (April 2011), repromulgated LR 37:1389 (May 2011), LR 37:1570 (June 2011).

§523. Procedures for Incorporating Test Results

A. - A.1.a. …

b. increases in permitted emissions will not exceed 5 tons per year for any criteria or toxic air pollutant;

A.1.c. - B.5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1903 (September 2008), LR 37:1146 (April 2011).

§537. Louisiana General Conditions

A. …

Table 1.Louisiana Air Emission Permit General Conditions

* * *
[See Prior Text in I-XVI.]
XVII. Very small emissions to the air, resulting from routine operations, that are predictable, expected, periodic, and quantifiable and that are submitted by the permitted facility to, and approved by, the Office of Environmental Services are considered authorized discharges. Approved activities are noted in the Louisiana General Condition XVII Activities List of the permit. To be approved as an authorized discharge, such very small releases must: 1. generally be less than 5 TPY of criteria and toxic air pollutants; 2. be less than the minimum emission rate (MER); 3. be regularly scheduled (e.g., daily, weekly, monthly, etc.); or 4. be necessary prior to plant start-up or after shutdown (line or compressor pressuring/depressuring, for example). This Condition does not authorize the maintenance of a nuisance, or a danger to public health and safety. The permitted facility must comply with all applicable requirements, including release reporting requirements in LAC 33:I.Chapter 39.
* * *
[See Prior Text in XVIII-XX.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:660 (April 2009), LR 37:1146 (April 2011).

Chapter 11. Control of Emissions of Smoke

§1101. Control of Air Pollution from Smoke

A. …

B. Control of Smoke. Except as specified in LAC 33:III.1105, the emission of smoke generated by the burning of fuel or combustion of waste material in a combustion unit, including the incineration of industrial, commercial, institutional and municipal wastes, shall be controlled so that the shade or appearance of the emission is not darker than 20 percent average opacity, except that such emissions may have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1081 (October 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 37:1143 (April 2011).

§1106. Test Methods and Procedures

A. Opacity shall be determined using Method 9 of 40 CFR Part 60, Appendix A.

B. As an alternative to the method set forth in Subsection A of this Section, an owner or operator may elect to use a continuous opacity monitoring system (COMS) meeting the requirements outlined in 40 CFR 60.13(c) and (d).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:1143 (April 2011).

§1107. Exemptions

A. …

B. The opacity standards set forth in LAC 33:III.1101 do not apply to the following:

1. combustion units when combusting only natural gas, carbon monoxide, hydrogen, and/or other gaseous fuels with a carbon to hydrogen molecular ratio of less than 0.34 (e.g., CH_4 equals 0.25, H_2 and CO equal zero). For mixtures of gaseous fuels, the molecular ratio shall be computed based on the volume percent (at standard conditions) of carbon monoxide, hydrogen, and each organic compound in the fuel gas stream;

2. combustion units subject to a federal standard promulgated pursuant to Section 111 or 112 of the Clean Air Act that limits average opacity to less than or equal to 20 percent, except for one six-minute period or less per hour;

3. recovery furnaces subject to LAC 33:III.2301.D.4;

4. biomedical waste incinerators subject to LAC 33:III.2511.E.2.f;

5. refuse incinerators subject to LAC 33:III.2521.F.8.e; and

6. crematories subject to LAC 33:III.2531.F.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 33:2084 (October 2007), LR 37:1144 (April 2011).

§1111. Exclusion

Any person claiming exclusion from the application of this Chapter under this provision shall apply to the administrative authority for exclusion in accordance with R.S. 30:2056 of the act. The applicant shall furnish such information as the administrative authority may reasonably require to enable it to make a determination. The administrative authority may make such determination and apply such conditions as may be appropriate to the activity in question. A person granted an exclusion under this provision may be required to furnish the administrative authority with plans satisfactory to the administrative authority for implementing any reasonable control measures which may be developed or which otherwise become available.

A. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of the Secretary, Legal Affairs Division, LR 37:1144 (April 2011).

Chapter 21. Control of Emission of Organic Compounds

Subchapter B. Surface Coatings

§2123. Organic Solvents

A. Except as provided in Subsections B and C of this Section, any emissions source using organic solvents having an emission of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

A.1. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy,

Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009), LR 36:1774 (August 2010), repromulgated LR 36:2031 (September 2010), LR 37:1150 (April 2011).

Subchapter F. Gasoline Handling

§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities

A. Definitions. Terms used in this Section are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined as follows.

* * *

Independent Small Marketer of Gasoline (ISBM)—a person engaged in the marketing of gasoline who would be required to pay for procurement and installation of vapor recovery equipment under this Section, unless such person:

a. is a refiner; or

b. controls, is controlled by, or is under common control with, a refiner; or

c. is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under a common control with, a refiner (unless the sole affiliation referred to herein is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person); or

d. receives less than 50 percent of his annual income from refining or marketing of gasoline. The term *refiner* shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) does not exceed 65,000 barrels per day. Control of a corporation means ownership of more than 50 percent of its stock.

* * *

Small Business Stationary Source—a stationary source that:

a. is owned or operated by a person that employs 100 or fewer individuals;

b. is a small business concern as defined in the Small Business Act;

c. is not a major stationary source;

d. does not emit 50 tons or more per year of any criteria or toxic air pollutant; and

e. emits less than 75 tons per year of all criteria or toxic air pollutants.

* * *

B. - I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:2397 (November 2008), LR 37:1147 (April 2011).

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations
Chapter 1. General Provisions and Definitions

§115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

***

Contingency Plan—Repealed.

***

Emergency Response Plan—an organized, planned, coordinated course of action to be followed in the event of a fire, explosion, natural disaster, or discharge or release of waste into the environment that could endanger human health or the environment.

***

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011).

Chapter 5. Solid Waste Management System
Subchapter B. Permit Administration

§513. Permit Process for Existing Facilities and for Proposed Facilities

A. – B.2.c. …

3. The prospective applicant shall file an *emergency response plan*, as defined in LAC 33:VII.115.A, with the Louisiana State Fire Marshal as a special structures plan, prior to submittal of a new or renewal application for a solid waste permit. The content of the plan shall be in accord with applicable sections of LAC 33:VII.Chapter 7. A copy of the plan shall also be sent to the Office of Environmental Services. Except as provided for in LAC 33:VII.513.B.10, no application for a permit to process or dispose of solid waste shall be filed with nor accepted by the administrative authority until the plan is approved by the Louisiana State Fire Marshal. The prospective applicant shall forward a copy of the approval to the Office of Environmental Services. The approved emergency response plan shall be considered applicable to subsequent permit applications submitted by the same applicant, unless a revised plan is filed with the Louisiana State Fire Marshal. After June 20, 2011, a revised plan shall be filed with the Louisiana State Fire Marshal prior to submittal of a renewal application.

4. The requirements of Paragraph B.3 of this Section shall not apply if the prospective applicant can demonstrate that he has the ability to meet the emergency response requirements listed below. The prospective applicant shall provide this demonstration to the Office of Environmental Services and the Louisiana State Fire Marshal, at least 30 days prior to submittal of a new or renewal solid waste application.

a. Requirements for Demonstration

i. The prospective applicant shall describe arrangements (including contracts, where applicable) for providing his own emergency response services.

ii. The minimum qualification for firefighters/emergency responders shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

iii. The demonstration shall include a list of all emergency equipment at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment.

5. The requirements of Paragraph B.3 of this Section shall not apply to permit modification requests, or to applications for permits (initial or renewal), deemed technically complete prior to June 20, 2011, except as directed by the administrative authority.

C. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1037 (June 2007), LR 33:2143 (October 2007), LR 37:1563 (June 2011).

Subchapter D. Permit Application

§521. Part II: Supplementary Information, All Processing and Disposal Facilities

A. – G.1.e. …

f. procedures, equipment, and emergency response plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for

emergency response and care, should an accident occur (including proximity to a hospital, fire and emergency services, and training programs); and

G.1.g. – M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1040 (June 2007), LR 37:1564 (June 2011).

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§711. Standards Governing Landfills (Type I and II)

A. – D.5.c. …

6. Emergency Response Plan

a. If required under LAC 33:VII.513, an emergency response plan shall be filed with the closest fire department, emergency medical services (EMS) agency, hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. …

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E .– F.3.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 37:1564 (June 2011).

§713. Standards Governing Surface Impoundments (Type I and II)

A. – D.4. …

5. Emergency Response Plan

a. If required under LAC 33:VII.513, an emergency response plan shall be filed with the closest fire department, emergency medical services (EMS) agency, hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. …

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E. – F.2.b.iv. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 37:1564 (June 2011).

§715. Standards Governing Landfarms (Type I and II)

A. – D.4. …

5. Emergency Response Plan

a. If required under LAC 33:VII.513, an emergency response plan shall be filed with the closest fire department, emergency medical services (EMS) agency, hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. …

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E .– F.3.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1058 (June 2007), LR 33:2147 (October 2007), LR 35:1880 (September 2009), LR 37:1565 (June 2011).

Subchapter B. Solid Waste Processors

§717. Standards Governing All Type I-A and II-A Solid Waste Processors

A. – G.4. …

5. Emergency Response Plan

a. If required under LAC 33:VII.513, an emergency response plan shall be filed with the closest fire department, emergency medical services (EMS) agency, hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. …

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

H. – I.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:1566 (June 2011).

Subchapter C. Minor Processing and Disposal Facilities

§721. Standards Governing Construction and Demolition Debris and Woodwaste Landfills (Type III)

A. – C.4. ...

5. Emergency Response Plan

a. If required under LAC 33:VII.513, an emergency response plan shall be filed with the closest fire department, emergency medical services (EMS) agency, hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. …

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

D. – E.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:1577 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1067 (June 2007), LR 33:2149 (October 2007), LR 34:1901 (September 2008), LR 37:1566 (June 2011).

§723. Standards Governing Composting Facilities

A. – D.5.c. …

6. Emergency Response Plan

a. If required under LAC 33:VII.513, an emergency response plan shall be filed with the closest fire department, emergency medical services (EMS) agency, hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. …

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E. – E.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1069 (June 2007), LR 33:2150 (October 2007), LR 37:1567 (June 2011).

§725. Standards Governing Separation and Woodwaste Processing Facilities (Type III)

A. – C.4. …

5. Emergency Response Plan

a. If required under LAC 33:VII.513, an emergency response plan shall be filed with the closest fire department, emergency medical services (EMS) agency, hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. …

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

D. – D.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), LR 22:280 (April 1996), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1073 (June 2007), LR 33:2151 (October 2007), LR 37:1567 (June 2011).